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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/548,290      | 04/12/2000  | Tatsuya Sasakawa     | 0018-1098-0         | 6669             |

22850 7590 02/17/2006

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| EXAMINER |
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WEHBE, ANNE MARIE SABRINA

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| ART UNIT | PAPER NUMBER |
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1633

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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| <b>Response to Rule 312 Communication</b> | <b>Application No.</b><br>09/548,290   | <b>Applicant(s)</b><br>SASAKAWA ET AL. |  |
|   | <b>Examiner</b><br>Anne Marie S. Wehbe | <b>Art Unit</b><br>1633                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☒ The amendment filed on 29 December 2005 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

*Applicant's amendment under 37 CFR 1.312 requests the entry of the accompanying IDS, which is a copy of the IDS filed on 4/15/00 originally considered in part by the examiner in the office action mailed on 10/02/01, for consideration of references AAB, AAC, and AAD. The initialed IDS mailed to applicants with the office action of 10/02/01 lined through these references as they were not in compliance with 37 CFR 1.98. The IDS filed on 12/29/05 as a 312 amendment provides the brief description of foreign language references AAC and AAD which was missing from the original IDS and again provides a page of medline results. The IDS filed on 12/29/05 was not accompanied by the required 1.97(e) statement, and 1.17(p) fee, and thus does not comply with 37 CFR 1.97. Please note that MPEP 609.05(a) states that applicant may file a new information disclosure statement or correct the deficiency in the previously filed IDS, but the date that the new IDS or correction is filed will be the date of the IDS for purposes of determining compliance with the requirements based on the time of filing of the IDS ( 37 CFR 1.97). It is further noted that the list of medline results provides citations for a number of references, none of which were actually provided to the examiner for consideration. Therefore, AAB still fails to comply with 37 CFR. 1.98.*

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (571) 272-0737. If the examiner is not available, the examiner's supervisor, Dave Nguyen, can be reached at (571) 272-0731. For all official communications, **the new technology center fax number is (571) 273-8300**. Please note that all official communications and responses sent by fax must be directed to the technology center fax number. For informal, non-official communications only, the examiner's direct fax number is (571) 273-0737. For any inquiry of a general nature, please call (571) 272-0547.

The applicant can also consult the USPTO's Patent Application Information Retrieval system (PAIR) on the internet for patent application status and history information, and for electronic images of applications. For questions or problems related to PAIR, please call the USPTO Patent Electronic Business Center (Patent EBC) toll free at 1-866-217-9197. Representatives are available daily from 6am to midnight (EST). When calling please have your application serial number or patent number available. For all other customer support, please call the USPTO call center (UCC) at 1-800-786-9199.

Dr. A.M.S. Wehbé

**ANNE M. WEHBE' PH.D  
PRIMARY EXAMINER**

